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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   ) CASE NO. CR05-406-JLR  
10    )  
11         Plaintiff,                                      )  
12    )  
13         v.    )  
14         BRIAN FEWS,                                    )  
15    )  
16         Defendant.                                      )  
17    )  
18    )  
19    )  
20    )  
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14         Offense charged:   Conspiracy to Import Marijuana; Conspiracy to Distribute Marijuana;  
15    Possession with Intent to Distribute Marijuana

16         Date of Detention Hearing:   June 16, 2008

17         The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18         based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19         that no condition or combination of conditions which defendant can meet will reasonably assure  
20         the appearance of defendant as required and the safety of other persons and the community.

21         FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22         1.         Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both  
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03       2.     The government alleges that the charges arose from the importation of large  
04 quantities of marijuana on numerous occasions from Canada by means of low flying helicopters  
05 entering United States airspace without permission. Defendant's alleged co-conspirator remains  
06 at large. The underlying conduct is alleged to have occurred in 2005 and the government contends  
07 that the defendant avoided travel from Canada to the United States out of fear of apprehension.  
08 The government proffers statements from alleged co-conspirators who contend that defendant  
09 worked for the UN Gang, a sophisticated drug dealing organization in British Columbia that has  
10 been linked to recent violent acts, and further proffers a group photograph from the funeral of a  
11 member of the UN Gang in which the defendant is shown.

12       3.     Defendant has mental health problems for which he is under the care of a doctor  
13 and takes prescription medications.

14       4.     Taken as a whole, the record does not effectively rebut the presumption that no  
15 condition or combination of conditions will reasonably assure the appearance of the defendant as  
16 required and the safety of the community.

17 It is therefore ORDERED:

18       (1)    Defendant shall be detained pending trial and committed to the custody of the  
19              Attorney General for confinement in a correction facility separate, to the extent  
20              practicable, from persons awaiting or serving sentences or being held in custody  
21              pending appeal;

22       (2)    Defendant shall be afforded reasonable opportunity for private consultation with

01                   counsel;

02                   (3) On order of a court of the United States or on request of an attorney for the  
03                   Government, the person in charge of the corrections facility in which defendant is  
04                   confined shall deliver the defendant to a United States Marshal for the purpose of  
05                   an appearance in connection with a court proceeding; and

06                   (4) The clerk shall direct copies of this Order to counsel for the United States, to  
07                   counsel for the defendant, to the United States Marshal, and to the United States  
08                   Pretrial Services Officer.

09                   DATED this 16th day of June, 2008.

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11                   \_\_\_\_\_  
12                   Mary Alice Theiler  
13                   United States Magistrate Judge